



HOW TO DO A COUNTY INITIATIVE

A Guide to Placing a County Initiative on the Ballot

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This guide was developed in an effort to provide answers to frequently asked questions concerning county initiatives. It is for general information only and does not have the full force and effect of law, regulation or rule. In case of conflict, the law, regulation or rule will apply. Persons using this guide must bear full responsibility to make their own determinations as to all legal standards and duties. For information on city initiatives, please contact your City Clerk.

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SAMPLE CALENDAR

The following provides an example of the amount of time and deadlines associated with proposing a county initiative.

E = Election Day, followed by the number of days prior to or following the Election Day when the various steps should be taken. Please note that these time frames are approximate. The calendar is subject to change depending on the actual dates when events happen and in the event the ballot title and summary are challenged and need to be changed. Once a Notice of Intent is filed, the Elections Department staff will assist in developing a calendar specific to your initiative. State statute mandates some deadlines; others are suggested time frames in order to provide the maximum amount of time to circulate petitions. All codes refer to the Elections Code unless otherwise stated.

- E-383 Elections Office receives Notice of Intent (includes printed name/s, signatures, and business or residence address of 1 but not more than 5 proponent/s, written text of the initiative and a request that a ballot title and summary be prepared). (§9103, 9104)

- E- 383 Elections Office delivers Notice of Intent to County Counsel. (§9105a)

- E-368 Within 15 days, County Counsel delivers Title and Summary to Elections Office who then delivers a copy of the Title and Summary to Proponents (§9105a)

- E-367 Proponents shall, prior to circulation of the petition, publish the Notice of Intent with Title and Summary and file proof of publication with the Election Office. (§9105b)

- E-363 Proponents submit petition with signatures within 180 days after proponents receive Title and Summary from Elections Office or after termination of any action for a writ of mandate pursuant to §9106 and, if applicable, after receipt of an amended title or summary or both, which occurs later. (§9110)

- E-183 Elections Office has 30 working days (Saturdays, Sundays & holidays excluded) to certify results to Board of Supervisors. (§9114, 9115)

- E-142 Elections Office submits to the Board of Supervisors an item for the Board agenda.

- E-128 Board of Supervisors have three options to exercise at its meeting where the Elections Office presents its findings that an initiative petition is sufficient.
 - 1. Adopt the ordinance, without alteration
 - 2. Call an election (date to be determined by the percentage of voters who signed petition)
 - 3. Order a report pursuant to §9111.

- E-98 Board to call the election or adopt the ordinance without alteration.(§9118)

- E-88 Last day Board can consolidate a measure with a regular election.(§10403)

- E-88 Election Office to publish once the deadline for submitting arguments. (§9163 & Gov. Code §6061)

 Last day for Board of Supervisors to direct County Auditor to write an analysis of a county measure. (§9160)

E-78	Last day to submit direct arguments. (§9163)
E-68	Last day to submit rebuttal arguments. (§9167)
	Last day for County Counsel (and County Auditor, if previously directed) to submit Impartial Analysis and/or Fiscal Impact Statement. (§9160)
E-67 to E-57	10-day public inspection of arguments/analyses. (§9190)
E-40 to E-21	Mailing of sample ballots. (§13303, 13304)
E-29	Vote by Mail period begins. (§3001,3003).
E-15	Last day to register to vote. (§2102, 2107)
E-7	Last day to request a Vote by Mail ballot by mail.
(§3001) E	ELECTION DAY (§1000)
E+1 to E+28	Official Canvass (§15300 - 15376)

1 §9111. (a) During the circulation of the petition or before taking either action described in subdivisions (a) and (b) of Section 9116, or Section 9118, the board of supervisors may refer the proposed initiative measure to any county agency or agencies for a report on any or all of the following:

(1) Its fiscal impact.

(2) Its effect on the internal consistency of the county's general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on county actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.

(3) Its effect on the use of land, the impact on the availability and location of housing, and the ability of the county to meet its regional housing needs.

(4) Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and

open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.

(5) Its impact on the community's ability to attract and retain business and employment.

(6) Its impact on the uses of vacant parcels of land.

(7) Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.

(8) Any other matters the board of supervisors request to be in the report.

(b) The report shall be presented to the board of supervisors within the time prescribed by the board of supervisors, but no later than 30 days after the county elections official certifies to the board of supervisors the sufficiency of the petition.

A LOOK AT THE PROCESS

Notice of Intention

File Notice of Intention with Elections Office with the printed name/s, signature/s, and business or residence addresses of at least one but not more than five proponents. Includes written text of initiative and a request that a ballot title and summary be prepared.

Proponents must pay a fee not to exceed \$200 to be refunded if, within one year of the date of filing the Notice of Intention, the Election Office certifies the sufficiency of the petition. (§9103)(b).

The Notice of Intention may contain a statement not exceeding 500 words, stating the reasons for the petition. (§9104)

Title & Summary

The Election Office immediately transmits a copy of any proposed measure to County Counsel. Within 15 days, County Counsel prepares a ballot title and summary not exceeding 500 words. §9105(a).

The Elections Office furnishes a copy of the ballot title and summary to the proponents. §9105 (b)

Appeal

Any elector of the county may seek a writ of mandate requiring the ballot title or summary to be amended. §9106

Publication

Publish the Notice of Intention and ballot title and summary in a newspaper of general circulation for one day. §9105 (b)

File Proof

File proof of publication with the Elections Office. §9105 (b)

Circulation

Proponents may begin to circulate the petitions for voter signatures after publication of the title and summary. Each section of the petition shall include a copy of the Notice of Intention, ballot title and summary. §9108

Proponents have 180 days from the receipt of the Title and Summary to circulate the petitions (§9110)

Reports Ordered

During the circulation of the petition, the Board of Supervisors may refer the proposed initiative to any county agency for a report. The report shall be presented to the Board no later than 30 days after the Elections Office certifies the sufficiency of the petition. (§9111)

Signature Requirement

If proponents collect:

- 10% of the entire vote cast in the county for all candidates for Governor in the last Gubernatorial election – then the Board of Supervisors shall either:

a) adopt the ordinance without alteration at the regular meeting at which certification is presented or within 10 days after it is presented; or

b) submit the ordinance, without alteration, to the voters pursuant to subdivision (b) of Section 1405, unless the ordinance petitioned for is required to be, or for some reason is, submitted to the voters at a special election pursuant to subdivision (a) of Section 1405.

c) order a report pursuant to §9111 at the regular meeting at which the certification of the petition is presented. When the report is presented to the Board of Supervisors, it shall either adopt the ordinance within 10 days or order an election pursuant to subdivision (b). (§9118)

- 20% of the entire vote cast in the county for all candidates for Governor in the last Gubernatorial election and contains a request that the ordinance be submitted immediately to a vote of the people at a special election, then the Board shall either:

a) adopt the ordinance without alteration either at the regular meeting at which certification is presented or within 10 days after it is presented; or

b) immediately call a special election pursuant to subdivision (a) of Section 1405, at which the ordinance, without alteration, shall be submitted a vote of the voters of the county.

c) order a report pursuant to §9111 at the regular meeting at which the certification is presented. When the report is presented to the Board of Supervisors, it shall either adopt the ordinance within 10 days or order an election pursuant to subdivision (b). (§9116)

- 5% of the entire vote cast in the county for all candidates for Governor in the last Gubernatorial election for Proposition 218 measure affecting taxes, assessments or fees. (Art. II, §8(b) & 11)

Signature Verification

Within 30 days from the date of filing of the petition, excluding weekends and holidays, the Elections official shall verify signatures.

The elections official shall notify the proponents of the petition as to the sufficiency or insufficiency of the petition.

If the petition is found insufficient, no action shall be taken.

If the petition is found to be sufficient, the Elections Office shall certify the results of the examination to the Board of Supervisors at the next regular meeting of the Board. (§9114)

Enact Ordinance

If a majority of the voters voting on a proposed ordinance vote in its favor, the ordinance shall become a valid and binding ordinance of the county. The ordinance shall be considered as adopted upon the date the vote is declared by the Board of Supervisors, and shall go into effect 10 days after that date. (§9122)

**Petitions Not
Public Record**

Pursuant to Government Code Section 6253.5, petitions and all memoranda prepared by the county elections official in the examination of the petitions indicating which registered voters have signed particular petitions shall not be deemed to be public records and shall not be open to inspection except by the public officer or public employees who have the duty of receiving, examining or preserving the petitions or who are responsible for the preparation of that memoranda and, if the petition is found to be insufficient, by the proponents of the petition and the representatives of the proponents as may be designated by the proponents in writing in order to determine which signatures were disqualified and the reasons therefore.

However, the Attorney General, the Secretary of State, the Fair Political Practices Commission, a district attorney, a school district or a community college district attorney and a city attorney shall be permitted to examine the material upon approval of the appropriate superior court.

If the proponents of a petition are permitted to examine the petition and memoranda, the examination shall commence not later than 21 days after certification of insufficiency.

(a) As used in this section, "petition" shall mean any petition to which a registered voter has affixed his or her signature.

(b) As used in this section, "proponents of the petition" means the following:

(1) For statewide initiative and referendum measures, the person or persons who submit a draft of a petition proposing the measure to the Attorney General with a request that he or she prepare a title and summary of the chief purpose and points of the proposed measure.

(2) For other initiative and referenda on measures, the person or persons who publish a notice of intention to circulate petitions, or, where publication is not required, who file petitions with the elections official.

(3) For recall measures, the person or persons defined in Section 343 of the Elections Code.

(4) For petitions circulated pursuant to Section 5091 of the Education Code, the person or persons having charge of the petition who submit the petition to the county superintendent of schools.

(5) For petitions circulated pursuant to Article 1 (commencing with Section 35700) of Chapter 4 of Part 21 of the Education Code, the person or persons designated as chief petitioners under Section 35701 of the Education Code.

(6) For petitions circulated pursuant to Part 46 (commencing with Section 74000) of the Education Code, the person or persons designated as chief petitioners under Sections 74102, 74133, and 74152 of the Education Code.

Petition Retention

Elections officials required by law to receive or file in their offices any initiative or referendum petition shall preserve the petition until eight months after the certification of the results of the election for which the petition qualified or, if the measure, for any reason, is not submitted to the voters, eight months after the final examination of the petition by the elections official.

Thereafter, the petition shall be destroyed as soon as practicable unless the petition must be preserved for use in a pending or ongoing investigation into election irregularities, the subject of which relates to the petition's qualification or disqualification for placement on the ballot, or in a pending or ongoing investigation into a violation of the Political Reform Act of 1974 (Title 9 commencing with Section 81000 of the Government Code). §17200, 17200(b)

HOW TO RAISE OR SPEND MONEY

FIRST

Obtain a copy of Information Manual 3 - Campaign Provisions of the Political Reform Act. Visit www.fppc.ca.gov.

SECOND Office.

File a 410 – Statement of Organization - with the Elections

Any person who receives contributions totaling \$1,000 or more within a calendar year, qualifies as a recipient committee and - within 10 days of qualifying - must file a Form 410 with the Secretary of State and the county. A Form 410 may be filed prior to qualifying. Upon receipt of the 410, the Secretary of State will issue an identification number, which must be included on all campaign disclosure forms.

THIRD

Be prepared to file 460 (long form) or 450 (short form) Pre-Election Statements and Semi-Annual statements. These reports detailing your committee's contributions and expenditures are filed at specified times prior to and following the election. There are also various special reports that must be filed to amend forms or to provide supplemental information. Know the deadlines and the type of forms you must file. Elections Department staff will provide you with a calendar. For technical advice on completing the forms, call the Fair Political Practices Commission at 1-866-275-3772 (1-866-ASK-FPPC); FAX: 916-322-0886; or visit their website at www.fppc.ca.gov

FOURTH

File Forms 410 and 460 to terminate the committee upon completion of your initiative efforts.

IF THE INITIATIVE GOES TO ELECTION

CALENDAR

The Elections Department will develop a calendar for the election, including dates when arguments, rebuttals, and campaign statements need to be filed.

ARGUMENTS, ETC.

Article 3 (commencing with §9160) shall govern the procedures for submitting arguments for county initiatives. §9120

CONFLICTING MEASURES

If the provisions of two or more ordinances adopted at the same election conflict, the ordinance receiving the highest number of affirmative votes shall control. §9123

ENACTING CLAUSE

The enacting clause of an ordinance submitted to the voters of a county shall be substantially in the following form: "The people of the County of Tulare ordain as follows." §9124

ASSIGNING A LETTER

Letters designating measures will be assigned by the elections official pursuant to Elections Code §13116.

Measures will be assigned in alphabetical order beginning with the letter following the last letter assigned in the previous election and continuing through Z, or as close to the end of the alphabet as possible to accommodate all measures filed for the current election.

For example, if the previous election ended with measure V, and five measures are on the next ballot, the measures will be assigned A, B, C, D, E rather than W, X, Y, Z, A.

For districts that overlap into other counties, the counties will mutually agree to use a letter designation for the measure that will not conflict or confuse the voter.

Measures will appear on the ballot in the following order: Schools, County, Cities, Districts. §13109

BOARD ACTION

The Board of Supervisors will adopt a resolution calling the election and consolidating it with other elections being conducted in the same jurisdiction on the same day. §10400, 10401

The resolution will include the 75-word ballot question that is to be printed on the ballot.

BALLOT QUESTION

The statement of all measures submitted to the voters shall be abbreviated on the ballot in a ballot label as provided for in Section 9051. The ballot label shall be followed by the words, “Yes” and “No” §13247

The ballots used when voting upon a proposed county, city or district ordinance submitted to the voters of the respective local government as an initiative measure pursuant to Division 9 (commencing with Section 9000) shall have printed on them the words “Shall the ordinance (stating the nature thereof) be adopted?”

Opposite the statement of the ordinance to be voted on, and to its right, the words “Yes” and “No” shall be printed on separate lines, with voting squares.

A “Yes” vote is in favor of the adoption of the ordinance; a “No” vote shall be counted against its adoption. §13119

ANALYSES

County Counsel shall prepare a 500-word or less impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. Not later than 88 days prior to the election, the Board of Supervisors may direct the county auditor to review the measure and determine whether, if adopted, would affect the revenues or expenditures of the county. The county auditor shall prepare a Fiscal Impact Statement which estimates the amount of any increase or decrease in revenues or costs to the county if the proposed measure is adopted. The Fiscal Impact Statement may not exceed 500 words in length. §9160

****SAMPLE****
INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The county counsel has prepared the following title and summary of the chief purpose and points of the proposed measure:
(Insert Ballot Title and Summary of Measure in at least 12-point bold type)

The Ballot Title and Summary shall appear upon each section of the petition above the text of the proposed measure and across the top of each page of the petition on which signatures are to appear, in roman boldface type not smaller than 12-point. §9105

Notice of Intention to Circulate Petition

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the County of Santa Cruz for the purpose of (insert purpose of measure). A statement of the reasons of the proposed action as contemplated in the petition is as follows:

A 500-word statement outlining the reasons for the proposed petition may be printed here. The statement is optional. The notice shall contain the printed name, signature, and business or residence address of at least one, but not more than five, proponents. §9104 To print on the petition, format the signature as "s/Name, Address, City, State, Zip" Each section of the petition shall bear a copy of the Notice of Intention. §9108. So, if it is on the front side, it may be omitted on the back. The law does not specify the type size for the Notice of Intent, but it should not be less than 8-point.

Insert text of measure in type not smaller than 8 point. And, it must be clearly separated from the ballot title and summary above. §9105(c) If printed once on the back side, text must follow the Ballot Title and Summary.

NOTICE TO THE PUBLIC

Print in 12-point type, prior to the portion for voters' signatures. §101,

**THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER;
YOU HAVE THE RIGHT TO ASK.**

1	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
2	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
3	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
4	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
5	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip

1" §100

Each petition section shall have attached to it an affidavit to be completed by the circulator. §104, 9109. This declaration below may be omitted on front side if signature spaces are provided on both sides. The circulator's declaration must follow the last signature block.

**DECLARATION OF PERSON CIRCULATING SECTION OF INITIATIVE PETITION
(MUST BE IN CIRCULATOR'S OWN HANDWRITING)**

I, _____, (Print Name) declares:

1. My residence address is _____ in _____ County, California, and I am a registered voter in (insert electoral jurisdiction);
2. I personally circulated the attached petition for signing;
3. I witnessed each of the appended signatures being written on the petition and to my best information and belief, each signature is the genuine signature of the person whose name it purports to be; and
4. The appended signatures were obtained between the dates of _____ and _____, inclusive.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____ at _____, California.

(Signature)

It is recommended that you leave a 1" margin at the top, and a ½" margin on the left, right and bottom. The full text of the proposed measure must also appear on the petition. You may want to print the text on the back side; however, the Ballot Title and Summary must appear above the text of the proposed measure. §9105(c)